

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PLANNED PARENTHOOD	:	Case No. 1:15cv568
SOUTHWEST OHIO REGION, et al.,	:	
Plaintiffs,	:	Judge Michael R. Barrett
vs.	:	
	:	<u>AGREED ORDER</u>
RICHARD HODGES, et al.,	:	
Defendants.	:	
	:	

The Court has been advised that Director Hodges denied Plaintiffs' variance requests on September 25, 2015 and proposed to revoke and not renew their ASF licenses. Since the Director's actions were taken prior to the effective date of Ohio Rev. Code § 3702.309 the parties agree that the provisions of Ohio Rev. Code § 3702.309, including the Automatic Suspension Provision, will not apply to these variance denials. Director Hodges has provided Plaintiffs with the opportunity to request a hearing on the proposed licensure actions pursuant to Ohio Rev. Code Chapter 119 and has assured the Plaintiffs that if they request a hearing "you may remain in operation while the administrative proceedings take place."

The parties therefore agree and it is hereby **ORDERED** that Plaintiffs' Preliminary Injunction Motion is moot as to Plaintiffs' variance requests pending when the motion was filed, as Director Hodges can take no action to levy monetary penalties, seek an injunction, or otherwise take action pursuant to Ohio Rev. Code § 3702.32(A) against Planned Parenthood Southwest Ohio Region or Women's Med Center of Dayton based upon the variance denials recited above until the administrative proceedings are finally concluded. It is further

ORDERED that Plaintiffs' licenses shall not, during the administrative proceedings, be suspended pursuant to the Automatic Suspension Provision of Ohio Rev. Code § 3702.309 on the basis of the denials recited above. This Order does not relate to the variance application filed by Plaintiff Planned Parenthood Southwest Ohio on September 28, 2015.

Counsel is **ORDERED** to confer with the Court relating to the September 28, 2015 variance application on **September 29, 2015 at 1:30 p.m.** by teleconference.

IT IS SO ORDERED.

s/Michael R. Barrett
JUDGE MICHAEL R. BARRETT
UNITED STATES DISTRICT COURT